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From: Rodger Skinner <radiotv@cris.com>
To: A7.A7(SNESS)
Date: 5/24/98 3:26am
Subject: Urgent Formal Action Requested - Petition RM-9242 Low Power FM

From: J. Rodger Skinner, Jr.
Low Power FM Petitioner RM-9242

To: Commissioner Susan Ness
FCC

Date: May 23, 1998

It has just come to my attention that the deadline for filing reply-comments in the Low Power FM proceeding, involving my Petition RM-9242 as well as the others RM-9208 and RM-9246, has been extended by an action of the Chief/Mass Media Bureau from May 26, 1998 until July 24, 1998.

Please consider this as a formal protest of this extension action, which severely predujices my Petition RM-9242 as well as the other Low Power radio petitions and all supporters of these petitions. I will also file this protest in writing with the Commission, but since it is now a weekend I have chosen this email message to serve as my first official notice of my protest.

This last minute notice to extend the reply-comments deadline will predujice my petition RM-9242 and others by allowing opponents of our petitions an unfair advantage of reading our reply-comments, which should have been our last word on this matter. It will give an unfair advantage to our opponents by making them aware of our reply-comments and giving them a chance to rebut them in their reply-comments. This unfair tactic cannot be tolerated. Surely the request to extend the deadline that was filed by the National Lawyers Guild must have been received at the Commission before the notice was released Friday May 22, 1998. I receive the FCC Daily Digest via email daily from the FCC from Sharon Hurd or Stacey Mesa at digest@info.fcc.gov however, I find it very suspicious that I have yet to receive the Daily Digest of May 22, 1998 that announced this reply-comment deadline extension (DA 98-978). This has the appearance of being in the "dirty tricks" category and I am curious if the NAB may have had something to do with it?

This extension is unfair to the LPFM supporters since all, including myself, have already filed their reply-comments before receiving notice of the extension. My reply-comments were sent via FedEx Sat. 5/23 overnight to arrive at the Commission on the deadline of Tuesday May 26, 1998, with Monday May 25th being a holiday with no mail or FedEx pickups or deliveries. Those using First Class mail would have been sent well in advance of the extension notice, causing predujice to those parties as well.

I have become aware of the extension merely by accident by reading a post from someone on an unrelated board on the internet.

I would ask you to check to see if the NAB and others who filed comments in opposition to RM-9242 and the other low power petitions have yet filed their reply-comments?

As a matter of record, I would not have opposed this extension of time to file had it not come at the very last minute causing me and the other

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petitioners and supporters to be negatively affected.

I would offer two possible solutions to this dilemma:

1. Keep all reply-comments that have already been filed "confidential" and from being able to be accessed by the public until the new deadline of July 24th, so as to be fair to all sides. If any of the reply-comments have already been made available in the FCC reference room or to ITS the FCC contractor then this solution is unworkable and would then ask you to rescind the extension order DA 98-978.
2. If reply-comments already filed have been made available for public inspection, then I hereby request that the extension order issued by the Chief/Mass Media Bureau (DA 98-978) be rescinded and the deadline remain the same May 26, 1998.

Could you or someone from your office contact me at your earliest convenience to discuss this matter. I may be reached at (954) 340-3110 AND (954) 340-7429 FAX. Thank you for your prompt attention to this matter.

Respectfully,

J. Rodger Skinner, Jr.
RM-9242 Petitioner
email: radiotv@cris.com